REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. Claims 19-22 have been added, Applicant respectfully submits that no new matter has been added by these new claims. Therefore, Claims 1-22 remain pending in this application. This application has been carefully reviewed in light of the Official Action mailed June 28, 2004. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claims 1-3, 8-12, 17 and 18 stand rejected as obvious over U.S. Patent No. 5,796,952 ("Davis"). Applicant respectfully traverses this rejection.

In order to establish a prima facie case of obviousness, the Examiner must show: that the prior art references teach or suggest all of the claim limitations; that there is some suggestion or motivation in the reference (or within the knowledge of one of ordinary skill in the art) to modify or combine elements of the reference; and that there is a reasonable expectation of success. M.P.E.P. 2142, 2143; In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The Applicant respectfully points out that the Examiner has failed to establish a prima facie case of obviousness because the Examiner has not shown that each of the claim limitations is present in the reference.

Prior Art Fails to Disclose All Claim Limitations

Independent Claim 1

As to the Examiner's failure to point out the disclosure of each of the limitations in the references, Claim 1 recites accessing first data including a first identifier for the user, network addresses accessed by the user, and temporal information related to the user identifier and the network addresses, wherein the first data is determined at a location remote from the user; accessing second data including at least some of the network addresses and corresponding category information for each of the at least some of the network addresses; and generating a user profile based at least in part on the first identifier, corresponding category information, and at least some of the temporal information. Thus, as explained in the previous office action

response, a user may "surf" a network on a client computer while a remote location, such as a server computer responsible for routing user requests, determines information ("first data") relating to the surfing user, such as a user identifier, temporal information related to the user identifier, network addresses access and timestamps. This remote location may then store this information in a table to which it has access. The user may then be routed to any of the intended network destinations or addresses. Consequently, information may be gathered on a user without any involvement of a client computer, including programs executing on the client computer whose purpose it is to collect user information and send this information to the remote location. (Paragraphs [0025]-[0027])

Using this first data, specifically network addresses associated with the first data, category information corresponding to these network addresses can be accessed using second data which includes network addresses and corresponding category information. In certain embodiments, this category information may pertain to the content located at the site associated with the network address, and may be in the form of meta-tags, which are metadata that correspond with a particular network address. (Paragraph [0026]) Based on the first user identifier, the category information obtained via accessing the second data, and at least some of the temporal information, a user profile can be generated.

In contrast, Davis discloses a system for tracking client interaction and creating client profiles by using a client to download an executable program from a server. This executable program runs on the client and monitors activities and data flow on the client to acquire client identifying indicia from the client, such as time, keyboard events, and the choices or selections of a user. This information may then be uploaded from the client to a server by this executable program for use in automatically serving out files in accordance with a user interest. This executable program is usually a tracking program embedded in a file downloaded from a server to a client, and subsequently executed.

More specifically, the Examiner asserts that Col. 12, lines 51-67 and Col. 13, lines 1-17 disclose the limitation that "the first data is determined at a location remote from the user" as recited in Claim 1, and further states that "the database is located at the server...which is at a location remote from user. Thus, the [Davis] reference teaches that data is determined at a location remote from the user." Applicant respectfully disagrees with this assessment. Namely, Applicant points out that while the database of Davis is located remotely from a user, the database is not responsible for determining the data stored within it, and the data stored within the database was determined at the location of the user.

Referring to the portions of Davis cited specifically by the Examiner in the Official Action, Davis discloses that a tracking program may be embedded in a Web page using a known HTML tag. The client, in attempting to render the Web page, will automatically fetch this tracking program by making a request for the Web page to a server. This tracking program will then execute on the client and send this tracked information, such as timing information, to a server. The server can then store this information to a database. If this tracking program is implemented across various Web pages, statistics about these web pages may be received by the server and stored in the database. (Col. 12, lines 13-42, 56-59) Thus, because the tracking program is downloaded to a client computer, collects data on this client computer, and transmits the data to the server for storage in the database, the database stores data which is determined at the client computer by a tracking program. Consequently, Davis determines the data at the user/client computer not remotely from the user computer as asserted by the Examiner and as recited by Claim 1.

The Examiner also asserts that Davis discloses accessing second data including at least some of the network addresses and corresponding category information for each of the at least some of the network addresses, as recited by Claim 1. Again, Applicant respectfully disagrees with the Examiner's assessment. After reviewing the portions of Davis cited by the Examiner, namely Col. 13, lines 5-18, Col. 15, lines 59-67 and Col. 16 lines 1-4, Applicant cannot find where Davis discloses accessing second data including at least some of the network addresses and corresponding category information. Instead, the portions of Davis cited by the Examiner disclose a database created from information received from a tracking program which may be indexable by a URL, including information such as the URL of the web document, number of times accessed, etc. However, Davis does not disclose any category information relating to a category of at least some of the network addresses, as recited by Claim 1.

Similarly, as Davis does not disclose accessing second data, including at least some of the network addresses and corresponding category information for each of the at least some of the network addresses, Davis cannot disclose generating a user profile based at least in part on the first identifier, corresponding category information and at least some of the temporal information as recited by Claim 1. Furthermore, as the corresponding category information is not even disclosed in the portions of Davis cited by the Examiner, generating a user profile based in part on the first identifier, corresponding category information and at least some of the temporal information would not have been obvious, as asserted by the Examiner.

Applicant notes that the rejection of Claim 1 states simply that it would have been "obvious to one of ordinary skill in the art at the time the invention was made to manipulate the information in the databases to generate a user profile table (database) that includes a first column for user identifiers including the first identifier, a second column for the corresponding category information and a third column for the at least some of the temporal information such that the database can be queried to permit the server to assemble a web page or target an ad banner based upon the diverse interests of the user." Not only are limitations such as "corresponding category information" not disclosed in the portions of Davis cited by the Examiner, but additionally no particular teachings in the Davis reference are indicated to support the Examiner's assertion of obviousness.

The Applicant respectfully submits that the Examiner's duty to explain with reasonable specificity where in the references the claim limitations can be found and why the combination of the knowledge of one of ordinary skill in the art with the Davis reference is proper, has not been satisfied. Consequently, the Examiner has not established a prima facie case of obviousness and the rejection must fail. If the Examiner disagrees, the Applicant respectfully requests that the Examiner point out where the claim limitations can be found in the references, and further that the Examiner point out where in the references any suggestion or motivation to combine them can be found. Accordingly, the withdrawal of the rejection of Claim 1 is respectfully requested.

Dependent Claim 2

With respect to Claim 2, the same logic applies. Claim 2, dependent on Claim 1, recites creating a table that includes a first column for user identifiers including the first identifier, a second column for the corresponding category information, and a third column for the at least some of the temporal information; comparing data for the user within the table to existing profiles including a first profile; and associating the user with the first profile. Thus, in Claim 2 a table is created, and some portion of data within this table can be compared to existing profiles (Paragraph [0028]). The existing profiles can represent another person or a theoretical individual. For each user, his or her information from the table can be compared to the existing profiles and a user profile created by associating a user identifier with an existing profile. These existing profiles are not necessarily a part of the table.

Nowhere in the portions of Davis cited by the Examiner does Davis disclose generating a user profile by comparing data for the user within a table to existing profiles including a first

profile and associating the user with the first profile, as recited by Claim 2. Again, the Examiner makes a blanket statement of obviousness without any support or teachings from the Davis reference, or the general knowledge of those skilled in the art, to support these assertions.

Additionally, while doing this, the Examiner seems to misapprehend the interrelation of elements in Claim 2. Namely, the Examiner states it would have been obvious to "manipulate the information in the databases (existing profiles) by comparing the data within the table (database), associating the user with a profile and matching (the network addresses) to generate a user profile table (database) that includes a first column for user identifiers including the first identifier, a second column for the corresponding category information and a third column for the at least some of the temporal information such that the database can be queried to permit the server to assemble a web page or target an ad banner based upon the diverse interests of the user."

It appears the Examiner believes that a user profile table is generated by manipulating existing profiles, comparing the data within the database and matching network addresses. Claim 2 does not recite generating a user profile table, or a table containing existing profiles, that these profiles are manipulated, or matching network addresses. Instead, Claim 2 recites a method for generating a user profile by comparing data contained in a table, including user identifiers, corresponding category information or temporal information, with existing user profiles. The user can then be associated with one of the existing profiles to create a user profile. Thus, the method of Claim 2, as can be seen, does not manipulate existing profiles or match network addresses to generate a user profile table as asserted by the Examiner.

As the Examiner has not shown that the Davis reference teaches or suggests all of the claim limitations, the Applicant respectfully points out that the Examiner has failed to establish a prima facie case of obviousness. Consequently, the rejection of Claims 1 and 2 must fail, as must the rejection of dependent claim 3, 8-9. Additionally, as Claims 10, 11, 12, 17 and 18 contain similar limitations Applicant respectfully requests the withdrawal of the rejection of these claims as well.

Claims 4-7 and 13-16

Claims 4-7 and 13-16 stand rejected as obvious over U.S. Patent No. 5,796,952 ("Davis") in view of U.S. Patent No. 6,128,663 ("Thomas"). Applicant respectfully submits that as Claims 4-7 and 13-16 depend from Claims 1 and 10 respectively, the arguments presented

above with respect to Claims 1 and 10 apply equally well here. Accordingly, withdrawal of the rejection of Claims 4-7 and 13-16 is respectfully requested.

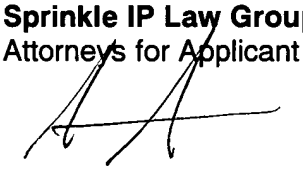
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-22. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group
Attorneys for Applicant



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